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REMARKS

In the Office Action of March 15, 2006, claims 1-20 are pending. Claim 5 is herein amended solely for clarification reasons and not for patentability reasons. Claims 1, 10, and 19 are independent claims from which all other claims depend therefrom.

The Office Action states that claims 5-8 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Office Action states that the limitation of "said identification" in claim 5 lacks antecedent basis. Applicants, respectfully, traverse. Original claim 5 recites the limitation of "identifying said at least one vehicle occupant", which provides antecedent basis for "said identification". The limitation "said identification" refers to the vehicle occupant identified by the speech classifier recited in claim 5. Nevertheless, claim 5 is herein amended to clarify this by reciting "said vehicle occupant identification", as opposed to "said identification". Thus, the 35 U.S.C. 112 rejection is overcome.

Claims 1-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kleinberg (U.S. Pat. No. 6,154,123).

Claim 1 recites a safety system for a host vehicle. The safety system includes a controller that performs a safety countermeasure in response to the state of mind of a vehicle occupant. In performing the safety countermeasure, the controller transmits the state of mind to a target vehicle.

Kleinberg discloses a driver alertness monitoring system. The driver alertness system includes an alertness warning lamp 13. The warning lamp 13 provides a visual interrogation signal to the driver of a host vehicle.

The Office Action states that Kleinberg discloses the limitation of transmitting the state of mind of a host vehicle occupant to a target vehicle and refers to col. 2, lines 20-44 of Kleinberg for such reliance. Applicants submit that in the stated section, Kleinberg states that the warning lamp 13 may be located internal or external to the host vehicle. Nowhere in the stated section or anywhere else in Kleinberg is it stated that the warning lamp is used to signal or to transmit a signal to a target vehicle. Although the warning lamp 13 may be externally mounted, such as on a hood, as stated in Kleinberg, the warning lamp 13 is only used to provide a signal to the driver of the host vehicle. There is no suggestion in Kleinberg of the warning lamp 13 being used to signal anyone

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or any other object other than the driver of a host vehicle. The external mounting of the warning lamp 13 does not suggest that the signal generated therefrom can be seen from or received by a target vehicle.

Claim 10 recites a vehicle voice control system. The voice control system includes a speech classifier that monitors a speech characteristic that includes a vehicle occupant identifiable and associated speech characteristic and associating voice signals with a vehicle related task in response thereto. In identifying the vehicle occupant, the system is able to recognize speech characteristics and traits of that occupant from which the system can increase driver focus. The claimed invention is adaptive and customized for each driver or vehicle occupant. The system is able to identify the occupant speaking and whether a particular occupant is speaking or not speaking.

Kleinberg discloses a system that recognizes a series of selected words and the initial manual training of a speech recognition system. The monitoring system of Kleinberg, instructs a driver to state a series of preselected words. Based on how the driver states those words, the monitoring system generates an interrogation signal. The speech recognition system may instruct the driver to state the words for initialization and then later request the driver to repeat the words to test the driver's alertness.

The monitoring system of Kleinberg does not disclose the identification of a particular driver or the distinguishing between drivers or occupants, but rather is simply used to detect and monitor the manner in which particular words are said. Based on the manner in which the preselected words are stated, the monitoring system of Kleinberg warns the driver. The monitoring system does not distinguish between multiple occupants or store occupant identifiable and associated speech characteristics. For example, an occupant other than the driver could state the preselected words and the monitoring system of Kleinberg would alert the driver based thereon. The monitoring system is directed to alerting a driver of a host vehicle, not to alerting the drivers of target vehicles. Since Kleinberg fails to teach or suggest the above-stated limitation, Kleinberg also fails to teach or suggest the limitation of associating voice signals with a vehicle related task in response thereto.

Note that claim 19 includes the above-described novel limitations of claims 1 and 10 and thus contains limitations, which are not taught or suggested by Kleinberg.

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With respect to claims 4-8 and 11-18, the Office Action merely states that Kleinberg discloses an occupant classifier that determines vehicle occupant profiles and speech characteristics such as speech irregularity. Applicants submit that Kleinberg does not disclose a system that determines vehicle occupant profiles. Nowhere in Kleinberg is it stated that profiles of multiple vehicle occupants are generated, determined, or stored. The system of Kleinberg simply monitors the manner in which preselected words are stated or not stated. Although the system of Kleinberg may record an initial preselected verbal response from a driver, the monitoring system of Kleinberg bases its alertness determination on that single recording and the assumption that one saying such words is the driver.

Regardless of whether Kleinberg detects a speech irregularity, Kleinberg clearly does not disclose the detection of an occupant identifiable speech irregularity. Kleinberg may detect an irregularity in the manner in which preselected words are stated to determine alertness. However, Kleinberg does not detect an irregularity to determine or identify a vehicle occupant so as to determine a particular occupant profile to utilize in evaluating occupant speech.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since Kleinberg fails to teach or suggest each and every element of claims 1, 10, and 19, they are novel, nonobvious, and are in a condition for allowance at least in view of Kleinberg. Since claims 2-9, 11-18, and 20 depend from claims 1, 10, and 19, respectively, they too are novel, nonobvious, and are in a condition for allowance for at least the same reasons.

With respect to claim 4, Kleinberg does not disclose the use of threshold excursion data. Applicants are unable to find anywhere in Kleinberg the mention of thresholds or the like. Claim 4 is thus further novel and nonobvious for the above-stated reasons.

With respect to claims 5-8 and 16 as stated above, Kleinberg is silent with regards to vehicle occupant identification. Also, Kleinberg is silent with regards to occupant associated speech irregularities, such as a speech impediment, a speech irregularity, a

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speech disorder, a lisp, or an accent. Claims 5-8 and 16 are thus further novel and nonobvious for the above-stated reasons.

With respect to claim 9, Applicants are unable to find the spheroidal partitioning claimed or the like anywhere in Kleinberg. Regardless of whether threat assessment is performed by the monitoring system of Kleinberg, threat assessment, in general, may be performed differently. The disclosure of one technique of performing threat assessment does not anticipate or make obvious all other threat performing techniques. Note that the terms "spheroidal" and "partitioning" are not used anywhere in Kleinberg. Claim 9 is thus further novel and nonobvious for the above-stated reasons.

With respect to claim 11, Applicants are unable to find an analysis tool as claimed in Kleinberg. Claim 11 is thus further novel and nonobvious for the above-stated reasons.

With respect to claim 16, Applicants are unable to find a filter as claimed in Kleinberg. Claim 16 is thus further novel and nonobvious for the above-stated reasons.

With respect to claim 17, since Kleinberg fails to teach or suggest the monitoring of an occupant identifiable and associated speech characteristic, Kleinberg also fails to teach or suggest the voice signal association, as claimed. Claim 17 is thus further novel and nonobvious for the above-stated reasons.

With respect to claim 18, Kleinberg does not teach or suggest adaptive alteration of speech identification and behavioral characteristic related information. Kleinberg only speaks to the initialization of a speech recognition system by the speaking of preselected words at the beginning of a drive cycle. This is a one time entering or recording of driver speech. The monitoring system of Kleinberg does not continuously or periodically alter occupant identifiable and behavioral characteristics during a drive cycle or over multiple drive cycles. Claim 18 is thus further novel and nonobvious for the above-stated reasons.

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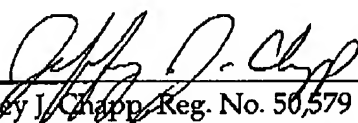
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In light of the amendments and remarks, Applicants submit that all the rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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